

**BEFORE THE TENNESSEE REGULATORY AUTHORITY**

**NASHVILLE, TENNESSEE**

**December 3, 2004**

**IN RE:**

**PETITION OF KING'S CHAPEL CAPACITY, LLC FOR  
CERTIFICATE OF CONVENIENCE AND NECESSITY  
TO SERVE AN AREA IN WILLIAMSON COUNTY,  
TENNESSEE KNOWN AS ASHBY COMMUNITY**

**DOCKET NO.  
04-00335**

---

**ORDER ESTABLISHING PROCEDURAL SCHEDULE**

---

On October 5, 2004, King's Chapel Capacity, LLC ("King's Chapel") filed an application for a Certificate of Public Convenience and Necessity ("*Petition*") to operate wastewater disposal systems in the Ashby Community development in Williamson County, Tennessee. On October 11, 2004, Tennessee Wastewater Systems, Inc. ("TWS") filed a Petition to Intervene in this docket. King's Chapel filed a Response to the Petition to Intervene on November 17, 2004, in which it opposed the intervention but stated that, if the Authority granted the intervention, it requested an expedited hearing on the *Petition*. At a regularly scheduled Authority Conference held on November 22, 2004, the panel assigned to this docket voted unanimously to grant the Petition to Intervene filed by TWS and to appoint a Hearing Officer to prepare the matter for hearing by the panel.<sup>1</sup>

---

<sup>1</sup> See Transcript of Authority Conference, pp 26-29 (November 22, 2004).

At the request of the parties, the Hearing Officer held a Status Conference on November 29, 2004. At that Status Conference, King's Chapel renewed its request for an expedited hearing in this matter and suggested that a hearing be set for immediately after the next regularly scheduled Authority Conference on December 13, 2004. TWS stated that, although it had no problem generally with the setting of a procedural schedule by the Hearing Officer, it planned to file a motion by December 1, 2004 to hold this docket in abeyance until the resolution of a lawsuit pending in the Chancery Court of Williamson County, Tennessee between the parties.<sup>2</sup> TWS also asserted that it was not feasible to be ready for a hearing by December 13, 2004. King's Chapel stated that resolution of the lawsuit was not necessary for this docket to be resolved by the Authority.

The Hearing Officer finds that King's Chapel's request for an expedited hearing is well-taken, but after taking into account the rights of TWS as a party in this matter, finds that preparing this matter for a hearing on December 13, 2004 is not feasible. Therefore, to set this matter for an expedited hearing after the first Authority Conference scheduled after December 13, 2004<sup>3</sup> the Hearing Officer establishes the following procedural schedule:

**December 6, 2004**

**All Discovery Requests Served (one copy filed with the Authority)**

**December 15, 2004**

**Responses or Objections to Discovery Due (one copy of responses filed with the Authority)**

**December 17, 2004**

**Motions to Compel Due (if any)**

---

<sup>2</sup> The motion was filed by TWS on December 2, 2004 and a response by King's Chapel is pending. This Order is not intended and should not be construed as a decision on the merits of that motion.

<sup>3</sup> The next regularly scheduled Authority Conference after December 13, 2004 will be held on January 10 -11, 2005. The earliest date that a Hearing can be scheduled before the panel is January 13, 2005. At the Status Conference, a January 10 date was tentatively set.

**December 20, 2004**

**Status Conference on Discovery at 2:00 p.m. (if needed)**

**December 23, 2004**

**Supplemental Discovery Responses (if needed)**

**December 29, 2004**

**Pre-filed Testimony Due**

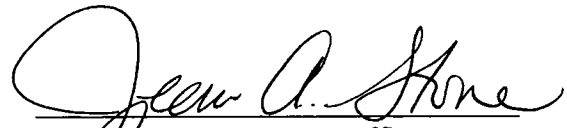
**January 13, 2005**

**Hearing before the Panel begins at 9:00 a.m. (central)**

All filings are due **no later than 2:00 p.m. (central)** on the dates indicated.

**IT IS THEREFORE ORDERED THAT:**

The Procedural Schedule is established as stated herein.



Jean A. Stone, Hearing Officer